

COMMON INTEREST COMMUNITY BOARD

MINUTES OF MEETING

The Common Interest Community Board met on Thursday, June 24, 2010 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members were present:

F. James Ahlberg
Pamela Coerse
Ronda S. DeSplinter
Kimberly B. Kacani, Vice Chair
Milton W. Matthews
R. Lee Merritt
Scott Sterling
Lucia Anna Trigiani, Chair

Board members Douglas Kleine, Miyun Sung and Katherine Waddell were not present for the meeting.

DPOR staff present for all or part of the meeting included:

Gordon Dixon, Director
Mark N. Courtney, Deputy Director of LRD
Nick Christner, Deputy Director of CID
Heather Gillespie, Ombudsman
Trisha L. Henshaw, Executive Director
Thomas K. Perry, Property Registration Administrator
Jesstina Adelman, Program Analyst
Amy Goobic, Administrative Assistant
Earlyne Perkins, Legal Analyst

Steven Jack from the Office of the Attorney General was present.

Finding a quorum of the Board present, Ms. Trigiani, Chair, called the **Call to Order** meeting to order at 9:32 a.m.

Ms. DeSplinter moved to approve the agenda. Mr. Ahlberg seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Matthews, Merritt, Sterling, and Trigiani. **Approval of Agenda**

Mr. Matthews moved that the Board approve the minutes of the following meeting: **Approval of Minutes**

- June 3, 2010, Board Meeting

Mr. Merritt seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Matthews, Merritt, Sterling, and Trigiani.

Ms. Trigiani opened the floor for public comment. Mr. Ron Kirby, President, Virginia Association of Community Managers (VACM), addressed the Board during the Public Comment Period. Mr. Kirby thanked Ms. DeSplinter for chairing the Common Interest Community Board Manager Regulatory Review Committee and their hard work on the regulations. Mr. Kirby stated that VACM would make their comments during the public comment period.

**Public Comment
Period**

Ms. Trigiani transferred the Chair to Mr. Matthews and recused herself from the meeting.

Transfer of Chair

Ms. Henshaw presented the Board members with an email from Ms. Sarraga, stating that she was unable to attend the meeting.

**File Number 2010-
00562, Shirley D.
Sarraga, t/a
Lakeside
Community
Management**

Regarding **File Number 2010-00562, Shirley D. Sarraga**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference, as well as the recommendation of the presiding Board member. Ms Coerse moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18 VAC 48-50-190.K (Count 1) four violations; 18 VAC 48-50-190.R (Count 2) two violations; and 18 VAC 48-20-190.P (Count 3) two violations. Mr. Ahlberg seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Matthews, Merritt, and Sterling.

Mr. Merritt moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following:

- Count 1: \$250.00 for each violation, for a total monetary penalty of \$1,000.00 and revocation of the license
- Count 2: \$250.00 for each violation, for a total monetary penalty of \$500.00
- Count 3: \$250.00 for each violation, for a total monetary penalty of \$500.00

In addition, for two (2) violations of Count 3, the Board voted that Sarraga's CICM license is suspended and placed on probation until she presents evidence acceptable to the Board that the following conditions have been met:

1. Sarraga has successfully completed Community Associations Institute course M-130, Management Company Administration or other equivalent course approved by the Board; and
2. Diane Via, as the CMCA associated with Lakeside, has successfully completed Community Associations Institute courses M-204, Community Governance and M-206, Financial Management or other equivalent courses approved by the Board.

The referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or issuance of a license.

Further, as to Count 3, the Board voted to close one (1) violation of the three (3) violations with a finding of no violation.

Ms. Coerse seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Matthews, Merritt, and Sterling.

Ms. Trigiani was not present for the discussion or vote due to her professional relationship with an association involved in the matter. As the presiding Board member, Ms. Kacani was not present during the discussion or vote.

Ms. Trigiani returned to the meeting and resumed the position of Chair.

Transfer of Chair

Ms. Trigiani recognized Ken Chadwick, a public member of the Regulatory Review Committee that was present, and asked Ms. DeSplinter to give a brief update on the Committee's work.

Regulatory Review

The Board members reviewed the draft regulations. The Board discussed the recommended changes and clarifications to the regulations presented by the Committee and staff.

The Board recessed from 11:10 a.m. until 11:25 a.m.

Break

The Board resumed discussion of the draft regulations. Regarding changes contained in 18 VAC 48-50-250.C.6, and the addition of the

Regulatory Review

term 'environmental issues,' Ms. Kacani moved to strike the term. Ms. DeSplinter seconded the motion which was approved by: Ahlberg, DeSplinter, Kacani, Merritt, and Trigiani. Members opposed: Coerse, Matthews and Sterling. The motion passed with a majority vote.

At the conclusion of the review, Ms. DeSplinter moved to accept the draft regulations, allowing staff to make minor changes with Board Chair approval as needed to facilitate executive branch review. Ms. Kacani seconded the motion which was unanimously approved by: Ahlberg, Coerse, DeSplinter, Kacani, Matthews, Merritt, Sterling, and Trigiani.

The Board adopted by consensus Certificates of Appreciation for the following public members of the Manager Regulatory Review Committee in appreciation of their time and efforts in developing the regulations: Mr. Marshall Bowden, Mr. Christiaan Melson, Mr. Edward O'Connell, III, Mr. Paul Orlando, Mr. John Rhodes, Mr. Walter Sasser, and Mr. Charles Simpson. The Certificates of Appreciation for the members who could not attend will be mailed. As Mr. Chadwick was present at the meeting, the following certificate was presented to Mr. Chadwick:

Other Business

CERTIFICATE OF APPRECIATION TO:

Kenneth E. Chadwick

WHEREAS, **Kenneth E. Chadwick**, did faithfully and diligently serve as a member of the Manager Regulatory Review Committee of the Virginia Common Interest Community Board from January 2010 to May 2010; and

WHEREAS, **Kenneth E. Chadwick**, did devote generously of his time, talent and knowledge to the Committee; and

WHEREAS, **Kenneth E. Chadwick**, did endeavor at all times to serve with fairness and good judgment in the best interest of the citizens of the Commonwealth; and

WHEREAS, the Virginia Common Interest Community Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth; now, therefore, be it

RESOLVED, by the Virginia Common Interest Community Board this third

day of June 2010, that **Kenneth E. Chadwick**, be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and, be it

FURTHER RESOLVED, that this Certificate of Appreciation be presented to him and recognized in the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

The Board members were reminded to complete their conflict of interest forms and travel vouchers.

**Conflict of Interest
and Travel Voucher
Forms**

There being no further business, the meeting was adjourned at 12:10 p.m.

Adjourn

Lucia Anna Trigiani, Chair

Gordon N. Dixon, Secretary